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EDWARDS ANGELL PALMER & DODGE LLP
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OFFICE OF PETITIONS

In re Application of :
Moser, et al. :
Application No. 10/072,425 : ON PETITION
Filed: February 7, 2002 :
Attorney Docket No. DECLE55.1C2CD1 :

This is in response to the renewed petition to revive an unintentionally abandoned application under 37 CFR 1.137(b), filed December 21, 2010.

The petition under 37 CFR 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to timely file a proper response to the final Office action mailed April 21, 2009, which set a shortened statutory period for reply of three (3) months. Applicants filed an Amendment on October 21, 2009, made timely by obtaining a three month extension of time. However, by Advisory Action mailed January 8, 2010, the Examiner informed Applicants that the Amendment would not be entered because it failed to place the application in condition for allowance. As such, the application became abandoned by operation of law on October 22, 2009. The Office mailed a Notice of Abandonment on February 19, 2010.

With the instant petition, petitioner has submitted the required reply in the form of a Notice of Appeal. The other requirements for a grantable petition have been previously satisfied.

Please be advised that the two month period for filing an appeal brief (accompanied by the fee required by 37 CFR 1.17(c)) runs from the date of this decision.

The application is being forwarded to Group Art Unit 1644 to await applicants' submission of the Appeal Brief.

Telephone inquiries concerning this decision may be directed to the undersigned at 571-272-3207.

A handwritten signature in black ink, appearing to read "Cliff Congo".

Cliff Congo
Petitions Attorney
Office of Petitions